IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.MC.No. 2197 of 2006()

CC.533/2005 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER: ACCUSED:

S. SASI, RADHA VILASOM, T.C.7/1557,
PANGODE, THIRUVANANTHAPURAM.

BY ADV. SMT.P.A.ANITHA

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. PRASANNAKUMARAN NAIR,
S/O. GOVINDA PILLAI, ROHINI HOUSE,
T.C.7/1557 (1), PANGODE,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2197 of 2006

Dated this the 4th day of December 2006

O R D E R

The petitioner is the accused in a prosecution under Section 294 (b) and 506(1) I.P.C. Cognizance has been taken on the basis of a final report submitted by the police after investigation. After appearing before the learned Magistrate, the petitioner has come to this court with the prayer that the prosecution may be quashed by invoking the powers under Section 482 Cr.P.C.

2. What is the reason? The learned counsel for the petitioner only submits that the allegations raised are false. It is further submitted that the precise words which allegedly were obscene having not been specifically extracted in the charge, the allegation under Section 294B I.P.C will not stand. I have gone through the charge filed. In any view of the matter, I find no merit in the contention that powers under Section 482 Cr.P.C can or ought to be invoked atleast in so far as the prosecution under Section 506(1) I.P.C is concerned. I am, in these circumstances, not satisfied that this Criminal Miscellaneous Case deserves to be allowed. It is for the petitioner to appear before the learned Magistrate and raise all relevant contentions in the course of the trial.

3. This Criminal Miscellaneous Case is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006